

REMARKS

In the present application, claims 1-24 are pending. Claim 1 is hereby amended to remove “determining one or more textural properties of said food product after addition of said composition to said food product.” New claims 22-24 are hereby added to more completely claim the invention.

In response to the Examiner’s Restriction Requirement in the Action, Applicants hereby elect, with traverse, claims 1-11 and 21 (Examiner’s Group I), as amended herein, drawn to a method classified in class 426, subclass 618. Applicants submit that new method claims 22-24 are properly included in Examiner’s Group I.

Applicants respectfully submit that the restriction requirement set forth in the Action is improper because a search and examination of the entire application would not place a serious burden on the Examiner. (See MPEP §803 - stating if the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to independent or distinct inventions).

Applicants submit that Examiner’s Groups I, II, and III include many essentially identical limitations that will require the same or similar searches. The method of claim 1 (Group I) necessarily results in the product of claim 12 (Group II) and the method of claims 5, 6 and 11 (Group I), combined in new claim 24, result in the product of claim 13 (Group II). The methods of Group I cannot be searched independently of the product of Group II. For this reason, at a minimum, the Group I and Group II invention should not be restricted.

Similarly, the composition of claims 19 and 20 (Group III) should be searched to properly search original method claim 10 and new claim 23, which clearly falls within Group I.

Applicants submit that a search encompassing all of the limitations of claims classified as Examiner's Group I should not require any supplementation, or at least no significant supplementation, to encompass Examiner's Groups II and III as well. Therefore, Applicants submit that it would not seriously burden the Examiner to examine claims 12-20 in addition to claims 1-11 and 21-23.

For the reasons set forth above, Applicants respectfully request reconsideration of the restriction between the Groups I, II and III claims and allowance of claims 1-24. Applicants also request that the Examiner call the undersigned to discuss any additional questions or concerns with respect to the above-referenced patent application.

Respectfully submitted,



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